

REMARKS

Applicants have carefully reviewed this application in light of the Final Office Action mailed September 26, 2007. Claims 1-14 are pending in this Application. Claims 1-14 stand rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-4, 6-7, 9-11, and 13 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2002/0177406 filed by Steve O'Conner et al. ("O'Conner"). Applicants respectfully traverse and submit O'Conner does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The present claims are directed to a method and apparatus for switching a receiver from a quiescent mode into an active mode with a selected configuration. According to independent Claim 1, the receiver is activated intermittently to receive and search for a first wake-up criterion using a first preset adjustable configuration. If the receiver does not receive or find the first wake-up criterion, then the receiver is switched to a second configuration and tries to find a second wake-up criterion. However, if either the first or second wake-up criterion is found, the receiver is switched from the quiescent mode into an active mode.

O'Conner discloses a different system that does not read on the present set of claims. First, O'Connor is not intermittently activating a receiver. Rather O'Connor teaches to switch from a first mode into a second mode by means of a single wake-up signal which can be received when in the first mode.

According to independent Claim 1, the receiver is switched from a quiescent mode into either an active mode with a first configuration or an active mode with a second configuration. To this end, Claim 1 includes the limitation "c) if said first or second wake-up criterion has been received in step a) or b), switching the receiver into an active mode with a respectively selected configuration." Thus, according to Claim 1, the receiver can be switched into three different states, a quiescent mode, an active mode with the first configuration, and an active mode with the second configuration.

O'Connor merely discloses the switching from one configuration into a second configuration using a wake-up signal. The Examiner stated that O'Connor discloses that the ASK mode is a low power mode and, hence, the Examiner compares this ASK mode to the quiescent mode. However, O'Connor does not teach to switch from this ASK mode into two different active mode as required by Claim 1. Hence, O'Connor does not anticipate Claim 1.

According to independent Claims 6 and 10, the receiver has a quiescent mode in which it intermittently is turned on to receive and search for a first wake-up criterion using a first preset adjustable configuration of transmission parameters. Thus, the receiver is switched intermittently into an active mode to receive and search for a first wake-up criterion in a first configuration. Only if such a first wake-up criterion is not found, then the configuration is switched to a second one. Similarly as in Claim 1, Claims 6 and 10 include the limitation of switching from the quiescent mode into the active mode with either the first or second configuration upon successful reception of the first or second wake-up criterion. Thus, again, there exist three operating modes of a receiver according to Claims 6 and 10.

Because, O'Conner at best discloses two different operating modes, O'Connor cannot anticipate the present independent Claims let alone the identification of a first and a second wake-up criterion. Applicants respectfully submit that the dependent Claims are allowable at

least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

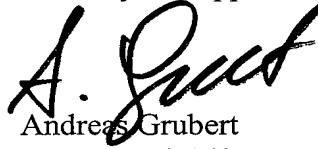
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Andreas Grubert at 512.322.2545.

Respectfully submitted,
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